195 0

File No. B.S. Cane Cess /50

Legal Deptt.

K

B **BRANCH**

Subject: — L.A. Bill No LII of 1950. A Bill to Amend the Bombay Sugarcane Cess Act, 1948

Bom. Act No. LXI of 1950

File No. B.S. Cane Cess/50

Con. 194

821

Legal Department.

A revised draft Bill is sent herewith.

2. Consequential amendments in section 15 also are necessary, Clause 6 is intended to make such amendments. The Department may verify whether the revised date proposed i.e. 1 st October 1950, is suitable.

3. The subject matter ofthe Bill falls under entries 14 and 52 in List II and entry 36 in List III in the Seventh Schedule to the Constitution. The Bill does not require any sanction but it requires the Governor's recommendation under article 207(1).

Id/- J.R.D.
26/7

Additional Secretary to Government.

U.R. to F.D. 566-Confl.,

dated the 26th July 1950.

JPE.25/6/56.
4 copies.

DM
4/7

IMMEDIATE.

No. 16344
Legal Department,
Bombay Castle(Bombay No.1) 22nd Nov.1950

From

Shri J.R.Dhurandhar,
Additional Secretary to the Government
Bombay, Legal Department.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Sugarcane Cess
(Amendment) Bill,1950.

Sir,

With reference to article 200of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Sugarcane Cess(Amendment) Bill, 1950, which was read for the third time and passed by the Bombay Legislative Assembly at its meeting held on the 25th October 1950 and returned by the Bombay Legislative Council without recommendations at its meeting held on the 26th October 1950.

2. The subject matter of the Bill falls under entries 14 and 52 in List II and entry 36 in List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill are repugnant to the provisions of the Bombay Sugarcane Cess Act, 1948, which is an existing law relating to entry 36 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration ofthe President with reference to article 254(2) of the Constitution of India.

3. I also forward herewith six copies of each of the items Nos. 1 and 2 and two copies of item

No. 3 of the papers noted in the margin.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	the
2. Bill as agreed to by the Bombay Legislative Council.	
3. Extracts from the proceedings of the Bombay Legislative Assembly dated the 25th October 1950 and of the Bombay Legislative Council dated the 26th October 1950.	

The Bill was not referred to a Select Committee.

Yours faithfully,

Id/- J.R.D.
26/11

Additional Secretary to Government

Through:

The Secretary to the Government of Bombay,

Finance Department.

JPE.25/6/56.
4 copies.

No. G.S. 3593

FROM
THE SECRETARY TO THE GOVERNOR OF BOMBAY

To
The Secretary to the Bombay Legislature Dept.
Council Hall, Bombay 1.

GOVERNMENT HOUSE.
BOMBAY 6, November 28, 1950.

Subject: The Bombay Sugarcane Cess (Aemndment) Bill, 1950.

Sir,

With reference to the Bombay Sugarcane Cess (Amendment) Bill, 1950, which was read for the third time and passed by the Bombay Legislative Assembly at its meeting held on October 25, 1950, and returned by the Bombay Legislative Council without recommendation at its meeting held on October 26, 1950, I am direct to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the provisions of the Bill are repugnant to the provisions of the Bombay Sugarcane Cess Act, 1948, which is an existing law relating to entry 36 in the Concurrent Legislative List, it is necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India His Excellency the Governor is accordingly pleased, under article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

L.M.Nadkarni.
Secretary to the Governor of Bombay.

.....

No.G.S.3594
Office of the Secretary to the Governor
Government House, Bombay 6,
November 28, 1950.

Copy forwarded with compliments for information to:

(1) The Additional Secretary to Govt.,Legal Department, with Reference to his letter No.16344, dated Nov.2, 1950;

(2) The Secretary to Govt.,Finance Department, with reference to his endorsement No. 7393/33/67619-ST, dated November 24, 1950.

Id/- ..
Secretary to the Governor of B'bay.

JPE.25/6/56.4c.

NO. G.S. 223

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government,

Legal Department.

GOVERNMENT HOUSE,

BOMBAY (6) January 25, 1951.

Subject: The Bombay Sugarcane Cess (Amendment) Bill, 1950.

Sir,

In continuation of my letter No. G.S. - 187, dated January 23, 1951, I am directed to forward herewith the authentic copy of the Bombay Sugarcane Cess (Amendment) Bill, 1950 with the President's assent signified thereon.

Yours faithfully,

Sd/- ...

for secretary to the Governor.

JPE.25/6/56.
4 copies.

ACTS.

Publication of the Bombay Sugarcane Cess(Amendment)Act, 1950.

GOVERNMENT OF ~~MMK~~ BOMBAY,

Legal Department,
Resolution No. 1610

Bombay Castle, 25th January 1951.

Letter to the Secretary to the Governor, No. 16344, dated the 22nd November 1950.

Letter from the Secretaryto the Governor, NO. G.S.187, dated the 23rd January 1951.

With reference to the correspondence ending with your letter No. 125~~8~~ dated January 3, 1951, I am to say that intimation has been received from the Government of India, Ministry of Home Affairs, that the President assented to the Bombay Sugarcane Cess (Amendment) Bill, 1950, on January 19 1951.

RESOLUTION:- The law should be publsihed as Bombay Act No. LXI of 1950, in the Bombay Government GAzette dated the 25th Januray 1951

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devanagari script) and the transaltions should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Finance Department.

By order of the Governor of Bombay,

Sd/- K.J.PATHARE,

Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Finance Department) with a
The Oriental Teanslator to Government,)
(with four extra copies of the Act),) copy of
The Bombay Legislature Department,)
The Director of Publicity, Bombay,) the Act.
The Enquiry Officer for the Secretariat, Bombay))

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 10TH OCTOBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. LII OF 1950.

A Bill to amend the Bombay Sugarcane Cess Act, 1948.

Bom. LXXXII of 1948.

WHEREAS it is expedient to amend the Bombay Sugarcane Cess Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Sugarcane Cess (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LXXXII of 1948.

Amendment of section 2 of Bom. LXXXII of 1948.

2. In section 2 of the Bombay Sugarcane Cess Act, 1948 (hereinafter referred to as the said Act), for clause (5), the following clause shall be substituted, namely :—

" (*5*) ' ton ' means a ton of 2,240 pounds (avoirdupois) ; "

Amendment of section 4 of Bom. LXXXII of 1948.

3. In section 4 of the said Act,—

(*1*) for the words " six annas per maund " the words " ten rupees per ton " shall be substituted ;

(*2*) the following proviso shall be added at the end, namely :—

" Provided that for the purpose of levying the cess, there shall be deducted from the gross weight of sugarcane entering into the local area during any month for consumption or use, such proportion thereof as may be prescribed representing the average weight of the tops of the sugarcane plant consisting of pith devoid of any sugar content and leaves and other trash usually present in the sugarcane and the cess shall be levied only on the remaining weight of the sugarcane after such deduction has been made."

Amendment of section 6 of Bom. LXXXII of 1948.

4. In section 6 of the said Act, in sub-section (*1*),—

(*1*) for the word "maunds" the word "tons" shall be substituted;

(*2*) for the words "consumed or used by his factory" the words "which entered into the local area comprised in his factory for consumption or use therein" shall be substituted.

Amendment of section 14 of Bom. LXXXII of 1948.

5. In section 14 of the said Act, in sub-section (*2*), after the words "following matters, namely :—" the following clause shall be inserted, namely :—

"(*i-a*) the proportion of the gross weight of sugarcane for the purposes of deduction under the proviso to section 4 ;".

Deletion of Chapter IV of Bom. LXXXII of 1948.

6. Chapter IV of the said Act shall be deleted :

Provided that the deletion of the said Chapter shall not affect any obligation or liability already accrued or incurred or any proceeding or remedy in respect of such obligation or liability or anything done or suffered to be done under the said Chapter before the Bombay Sugarcane Cess (Amendment) Act, 1950, comes into force. Bom. of 1950.

STATEMENT OF OBJECTS AND REASONS.

Under the Bombay Sugarcane Cess Act, 1948, no reduction is allowed in the gross weight of sugarcane for cane tops and other trash in assessing the cess. On a representation made by the Sugarcane Factories in this State, a reduction of two per cent. has been allowed by executive instructions. It is now proposed to amend the Act to provide for such reduction. It is also proposed to adopt the "ton" instead of the "maund" as the measure of weight for purposes of the cess, with a view to avoiding unnecessary calculations. This involves a corresponding change in the maximum rate of the cess. The Bill also includes certain other amendments necessitated by administrative considerations.

Notes on clauses.

Clause 2 : incorporates a definition of "ton" in substitution of the definition of "maund".

Clause 3 : sub-clause (1) provides for the maximum rate of cess per ton corresponding to the rate of six annas per maund. Under sub-clause (2) it is proposed to allow a percentage reduction in the gross weight of sugarcane for cane tops and trash while assessing cess.

Clause 4 : the amendment in sub-clause (2) is intended to facilitate more accurate returns of sugarcane.

The other amendment is of a consequential nature.

Clause 5 : provides for consequential amendments.

Clause 6 : provides for the deletion of the transitional provisions in Chapter IV.

Dated the 9th October 1950. (Signed) VAIKUNTH L. MEHTA.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 9th October 1950.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LII OF 1950.

A Bill to amend the Bombay Sugarcane Cess Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

Bom. LXXXII of 1948.

WHEREAS it is expedient to amend the Bombay Sugarcane Cess Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Sugarcane Cess (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LXXXII of 1948.

Amendment of section 2 of Bom. LXXXII of 1948.

2. In section 2 of the Bombay Sugarcane Cess Act, 1948 (hereinafter referred to as the said Act), for clause (5), the following clause shall be substituted, namely :—

" (*5*) ' ton ' means a ton of 2,240 pounds (avoirdupois) ; ".

Amendment of section 4 of Bom. LXXXII of 1948.

3. In section 4 of the said Act,—

(*1*) for the words " six annas per maund " the words " ten rupees per ton " shall be substituted ;

(*2*) the following proviso shall be added at the end, namely :—

" Provided that for the purpose of levying the cess, there shall be deducted from the gross weight of sugarcane entering into the local area during any month for consumption or use, such proportion thereof as may be prescribed representing the average weight of the tops of the sugarcane plant consisting of pith devoid of any sugar content and leaves and other trash usually present in the sugarcane and the cess shall be levied only on the remaining weight of the sugarcane after such deduction has been made.".

Bk Hb 336—1

Amendment of section 6 of Bom. LXXXII of 1948.

4. In section 6 of the said Act, in sub-section (*1*),—

(*1*) for the word "maunds" the word "tons" shall be substituted;

(*2*) for the words "consumed or used by his factory" the words "which entered into the local area comprised in his factory for consumption or use therein" shall be substituted.

Amendment of section 14 of Bom. LXXXII of 1948.

5. In section 14 of the said Act, in sub-section (*2*), after the words "following matters, namely:—" the following clause shall be inserted, namely:—

"(i-*a*) the proportion of the gross weight of sugarcane for the purposes of deduction under the proviso to section 4;".

Deletion of Chapter IV of Bom. LXXXII of 1948.

6. Chapter IV of the said Act shall be deleted:

Provided that the deletion of the said Chapter shall not affect any obligation or liability already accrued or incurred or any proceeding or remedy in respect of such obligation or liability or anything done or suffered to be done under the said Chapter before the Bombay Sugarcane Cess (Amendment) Act, 1950, comes into force.

Bom. of 1950.

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The other amendment is of a consequential nature.

Clause 5: provides for consequential amendments.

Clause 6: provides for the deletion of the transitional provisions in Chapter IV.

Dated the 9th October 1950. VAIKUNTH L. MEHTA.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LII OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

A Bill to amend the Bombay Sugarcane Cess Act, 1948.

[Shri VAIKUNTH L. MEHTA, M.L.A.]

Bk Hb 336—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LII OF 1950.

A Bill to amend the Bombay Sugarcane Cess Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

(As returned by the Legislative Council without recommendations on the 26th October 1950.)

Bom. LXXXII of 1948.

WHEREAS it is expedient to amend the Bombay Sugarcane Cess Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Sugarcane Cess (Amendment) Act, 1950.

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Bom. LXXXII of 1948.

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Amendment of section 4 of Bom. LXXXII of 1948.

3. In section 4 of the said Act,—

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" Provided that for the purpose of levying the cess, there shall be deducted from the gross weight of sugarcane entering into the local area during any month for consumption or use, such proportion thereof as may be prescribed representing the average weight of the tops of the sugarcane plant consisting of pith devoid of any sugar content and leaves and other trash usually present in the sugarcane and the cess shall be levied only on the remaining weight of the sugarcane after such deduction has been made.".

Bk Hb 357—1

Amendment of section 6 of Bom. LXXXII of 1948.

4. In section 6 of the said Act, in sub-section (*1*),—

(*1*) for the word "maunds" the word "tons" shall be substituted;

(*2*) for the words "consumed or used by his factory" the words "which entered into the local area comprised in his factory for consumption or use therein" shall be substituted.

Amendment of section 14 of Bom. LXXXII of 1948.

5. In section 14 of the said Act, in sub-section (*2*), after the words "following matters, namely :—" the following clause shall be inserted, namely :—

"(i-*a*) the proportion of the gross weight of sugarcane for the purposes of deduction under the proviso to section 4 ;".

Deletion of Chapter IV of Bom. LXXXII of 1948.

6. Chapter IV of the said Act shall be deleted :

Provided that the deletion of the said Chapter shall not affect any obligation or liability already accrued or incurred or any proceeding or remedy in respect of such obligation or liability or anything done or suffered to be done under the said Chapter before the Bombay Sugarcane Cess (Amendment) Act, 1950, comes into force.

Bom. of 1950.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LII OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 25th October 1950.)

(As returned by the Legislative Council without recommendations on the 26th October 1950.)

A Bill to amend the Bombay Sugarcane Cess Act, 1948.

[Shri VAIKUNTH L. MEHTA, M.L.A.]

Bk Hb 357—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

THURSDAY, 25TH JANUARY 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS

PAGES

BOMBAY ACT No. LXI OF 1950—An Act to amend the Bombay Sugarcane Cess Act, 1948 .. 12-13

The following Act of the Bombay Legislature having been assented to by the President on the 19th January 1951 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. LXI OF 1950.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 25th January 1951.)

An Act to amend the Bombay Sugarcane Cess Act, 1948.

Bom. LXXXII of 1948.

WHEREAS it is expedient to amend the Bombay Sugarcane Cess Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Sugarcane Cess (Amendment) Act, 1950.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LXXXII of 1948.

Amendment of section 2 of Bom. LXXXII of 1948.

2. In section 2 of the Bombay Sugarcane Cess Act, 1948 (hereinafter referred to as the said Act), for clause (5), the following clause shall be substituted, namely :—

"(5). 'ton' means a ton of 2,240 pounds (avoirdupois);".

Amendment of section 4 of Bom. LXXXII of 1948.

3. In section 4 of the said Act,—

(*1*) for the words "six annas per maund" the words "ten rupees per ton" shall be substituted;

(2) the following proviso shall be added at the end, namely :—

"Provided that for the purpose of levying the cess, there shall be deducted from the gross weight of sugarcane entering into the local area during any month for consumption or use, such proportion thereof as may be prescribed representing the average weight of the tops of the sugarcane plant consisting of pith devoid of any sugar content and leaves and other trash usually present in the sugarcane and the cess shall be levied only on the remaining weight of the sugarcane after such deduction has been made.".

Amendment of section 6 of Bom. LXXXII of 1948.

4. In section 6 of the said Act, in sub-section (*1*),—

(*1*) for the word "maunds" the word "tons" shall be substituted;

(2) for the words "consumed or used by his factory" the words "which entered into the local area comprised in his factory for consumption or use therein" shall be substituted.

Amendment of section 14 of Bom. LXXXII of 1948.

5. In section 14 of the said Act, in sub-section (2), after the words "following matters, namely :—" the following clause shall be inserted, namely :—

"(i-*a*) the proportion of the gross weight of sugarcane for the purposes of deduction under the proviso to section 4 ;".

Deletion of Chapter IV of Bom. LXXXII of 1948.

6. Chapter IV of the said Act shall be deleted :

Provided that the deletion of the said Chapter shall not affect any obligation or liability already accrued or incurred or any proceeding or remedy in respect of such obligation or liability or anything done or suffered to be done under the said Chapter before the Bombay Sugarcane Cess (Amendment) Act, 1950, comes into force. Bom. LXI of 1950.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.